

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 4, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 4th day of June, 2013, there being present Supervisors Denise Rushing, Anthony Farrington, Rob Brown and Jeff Smith, County Administrative Officer Matt Perry, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Jim Comstock was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Smith. A moment of silence was dedicated to former District 5 Planning Commissioner Jim Zabel. Following the moment of silence, County Administrative Officer Matt Perry led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Consent Agenda items C-1 through C-19, with the exception of Consent Agenda Items C-4, C-5, C-10 and C-12, which were all taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on May 21, 2013.

Adopted Proclamation commending Donna Gitchell for her years of service to the County of Lake.

Carried over from May 14 and 21, 2013 - Approved plans and specifications for construction Clearlake Oaks Senior Center, and authorized the County Administrative Officer/ Purchasing Agent to advertise for bids.

Consent Agenda Item C-4 - Adopt Resolution to amend Resolution 2010-177 "A Resolution authorizing Mental Health Director to participate in the California Mental Health Services Authority and approval of the Joint Exercise of Powers Agreement", and authorizing the Behavioral Health Director to sign - This item was removed from the Consent Agenda and taken up immediately following.

Consent Agenda Item C-5 - Approve First Amendment to Agreement between the County of Lake and Crestwood Behavioral Health for FY 2012-13 adult residential and mental health services, an increase of \$350,000, and authorize the Chair to sign - This item was removed from the Consent Agenda and taken up immediately following.

Adopted Resolution No. 2013-51, approving the Medi-Cal Targeted Case Management (TCM) Provider Participation Agreement between the County of Lake and the California Department of Health Services and authorizing the Director of Health Services to sign.

Adopted Resolution No. 2013-52, approving Agreement between the County of Lake and the County of Marin for Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM), and authorizing the Director of Health Services to sign.

Approved Agreement between the County of Lake and Dazzling Janitorial, for FY 2013-14 janitorial services at the Redbud Branch Library, in the amount of \$11,700, and authorized the Chair to sign.

(a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 014-210-33 - Dwight Holford and Joelle Holford), and (b) Approved Purchase Agreement between the County of Lake and Dwight Holford and Joelle Holford for the Hilderbrand Road Bridge Project, and authorized the Chair to sign agreement.

Consent Agenda Item C-10 - (a) Approve Grant Deed and direct Clerk to certify for recordation (a portion of APN 008-029-15 - Diane Beverlin and Dale Beverlin), and approve Purchase Agreement between the County of Lake and Diane Beverlin and Dale Beverlin for the Soda Bay Road/Cole Creek Bridge Project, and authorize the Chair to sign agreement - This item was removed from the Consent Agenda and taken up immediately following.

Approved Drug Enforcement Administration Marijuana Eradication (DEA) Agreement between the County of Lake and Drug Enforcement Administration of the United States Department of Justice (DEA will pay Lake County \$170,000 to defray the cost relating to the eradication and suppression of illicit marijuana), authorized the Sheriff to sign the Letter of Agreement and authorized the Chair to sign the Workplace Certifications and Grant Assurances. (THIS ITEM WAS TAKEN UP AGAIN LATER IN THE DAY; APPROVAL WAS RESCINDED AND THE ITEM WAS CONTINUED ONE WEEK, TO JUNE 11, 2013, AT 9:30 A.M.)

Consent Agenda Item C-12 - (a) Adopt Resolution amending Resolution No. 2012-106 to amend the Adopted Budget for FY 2012-13 by adjusting revenues and appropriations in Budget Unit 2203 - Sheriff - Marijuana (\$20,000 for flight time); (b) Approve First Amendment to Agreement between the County of Lake and A&P Helicopters for FY 2012-13 marijuana reconnaissance and eradication on public and private lands, an increase of \$20,000, and authorize the Chair to sign; and (c) Approve Agreement between the County of Lake and A&P Helicopters for FY 2013-14 marijuana reconnaissance and eradication on public and private lands, in an amount not to exceed \$60,000, and authorize the Chair to sign - This item was removed from the Consent Agenda and taken up immediately following.

Approved request to waive 900 hour limit for the following extra help employees: Sheriff/Marine Patrol: Jim Campbell, Dane Hayward, Robert Piveronas and Lloyd Wells, Sheriff/Court Security: Wes Frey, James Everhart and Duayne Emis, and Interim OES Coordinator Willie Sapeta.

Approved retroactive Agreement between the County of Lake and the California Department of Social Services (CDSS) for transitional adoption services from July 1, 2012 through March 31, 2013, amount not to exceed \$25,000, and authorized the Chair to sign.

Approved Third Amendment to Agreement between the County of Lake and North Coast Opportunities/Rural Communities Childcare for administration of the Stage One Child Care program for CalWORKs recipients (changing the compensation allocation from 25% of total provider payments to 25% of annual CalWORKs allocation for Stage One childcare), and authorized the Chair to sign.

Adopted Resolution No. 2013-53, amending Resolution No. 2012-107 establishing position allocations for Fiscal Year 2012-2013, Budget Unit No. 5011, Department of Social Services (delete one Eligibility Worker III position and add one Staff Services Analyst I/II position).

Amended Bid Award for Bid No. SD 13-05 to a total amount of \$31,275, an increase of \$217 for increased sales tax (previously awarded on March 26, 2013).

Sitting as the Lake County Watershed Protection District Board of Directors, approved Amendment One to Agreement between the Lake County Watershed Protection District and the University of Southern California for Clear Lake Limnological Analysis (modifying the scope of work with no additional cost to the County), and authorized the Chair to sign.

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Sitting as the Lake County Watershed Protection District Board of Directors, approved Amendment One to Agreement between the Lake County Watershed Protection District and the Regents of University of California for Clear Lake Limnological Analysis (modifying the scope of work with no additional cost to the County), and authorized the Chair to sign.

Consent Agenda Item C-5 - Approve First Amendment to Agreement between the County of Lake and Crestwood Behavioral Health for FY 2012-13 adult residential and mental health services, an increase of \$350,000, and authorize the Chair to sign - A typographical error was noted on the agenda.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the First Amendment to Agreement between the County of Lake and Crestwood Behavioral Health for FY 2012-13 adult residential and mental health services, as corrected, an increase of \$85,000, and authorized the Chair to sign.

Consent Agenda Item C-10 - (a) Approve Grant Deed and direct Clerk to certify for recordation (a portion of APN 008-029-15 - Diane Beverlin and Dale Beverlin), and approve Purchase Agreement between the County of Lake and Diane Beverlin and Dale Beverlin for the Soda Bay Road/Cole Creek Bridge Project, and authorize the Chair to sign agreement - Supervisor Farrington declared a conflict and was absent at 9:08 a.m.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Comstock and Farrington ABSENT), approved the Grant Deed and directed Clerk to certify for recordation (a portion of APN 008-029-15 - Diane Beverlin and Dale Beverlin), and approved Purchase Agreement between the County of Lake and Diane Beverlin and Dale Beverlin for the Soda Bay Road/Cole Creek Bridge Project, and authorized the Chair to sign agreement

Supervisor Farrington was present at 9:10 a.m.

Consent Agenda Item C-12 - (a) Adopt Resolution amending Resolution No. 2012-106 to amend the Adopted Budget for FY 2012-13 by adjusting revenues and appropriations in Budget Unit 2203 - Sheriff - Marijuana (\$20,000 for flight time); (b) Approve First Amendment to Agreement between the County of Lake and A&P Helicopters for for FY 2012-13 marijuana reconnaissance and eradication on public and private lands, an increase of \$20,000, and authorize the Chair to sign; and (c) Approve Agreement between the County of Lake and A&P Helicopters for FY 2013-14 marijuana reconnaissance and eradication on public and private lands, in an amount not to exceed \$60,000, and authorize the Chair to sign - After Board discussion, this item was continued one week, to June 11, 2013.

Consent Agenda Item C-4 - Adopt Resolution to amend Resolution 2010-177 "A Resolution authorizing Mental Health Director to participate in the California Mental Health Services Authority and approval of the Joint Exercise of Powers Agreement", and authorizing the Behavioral Health Director to sign - Supervisor Brown offered Resolution No. 2013-54, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Care and Control Officer Kyle O'Brien presented one canine currently available for adoption.

3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Consideration of proposed First Amendment to Safe Drinking Water State Revolving Fund Agreement between the County of Lake and the State of California Department of Public Health - The Board was unable to determine this item met the requirements for an extra item and carried it over one week, to June 11, 2013.

4. **ITEM A-4 - Current Construction Projects - Contract Change Orders:**

Contract Change Order #1 - Victoria Drainage Channelization and Culvert Upgrade - Bid No. 12-14, HMGP 1646-15-05R - Public Works Director Scott DeLeon presented the staff report.

This change order addresses the need for footings to be redesigned due to unanticipated soil conditions.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Change Order #1 - Victoria Drainage Channelization and Culvert Upgrade - Bid No. 12-14, HMGP 1646-15-05R, for an increase of \$22,447.75, and authorized the Chair to sign.

5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation commending Donna Gitchell for her years of service to the County of Lake** - Supervisor Farrington read the proclamation into the record and presented it to Donna Gitchell, who spoke. Lake County Employees Association President Mary Davidson presented Ms. Gitchell with a plaque of commendation and also spoke.

6. **ITEM A-6 - 9:15 A.M. - (a) Update on Lakeside Heights Subdivision; and (b) Consideration of recommendations for continued response** - Supervisor Brown declared a conflict with the next item and was absent at 9:24 a.m.

(a) Incident Commander Scott DeLeon, Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger presented the update.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Randall Fitzgerald and Paul Loewen. No one else was present wishing to speak and the public input portion of this item was closed.

This portion of the item was informational only. No Board action was taken on this portion of the item.

(b) There was Board consensus to continue the state of local emergency and schedule future updates on the first Tuesday of every month, as required.

Supervisor Brown was present at 10:01 a.m.

7. **ITEM A-7 - 9:30 A.M. - Presentation of report regarding local impacts of implementation of the provisions of the Mental Health Services Act** - Behavioral Health Director Kristy Kelly, Staff Services Analyst Sarah Deng and MHSA Team Leader Jim Isherwood were present.

Ms. Kelly presented the report.

Chair Smith asked if anyone was present wishing to speak and Joan Moss spoke. No one understood what the heck she was talking about and, surrendering to the futility of it all, the public input portion of this item was closed.

This item was informational only. No Board action was taken on this item.

After a brief recess, the Board reconvened into Regular Session at 10:46 a.m.

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8. **ITEM A-11 - Consideration of request for letter of opposition regarding the Governor's May Budget revision to redirect County health care funds** - County Health Officer Karen Tait, MD and Fiscal Officer Denise Pomeroy presented the staff report.

There was Board consensus to add a sentence communicating the threat to Lake County residents' public health if funds were redirected.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the letter of opposition, as amended, and authorized the Chair to sign.

9. **ITEM A-9 - Consideration of appointment of Treasurer-Tax Collector** - Chair Smith asked if anyone was present wishing to speak and the following people spoke: Allison Hill, Jan Pankratz, Linda Conway and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct the County Administrative Officer to perform a reference check and report back to the Board in one week.

This item was continued one week, to June 11, 2013.

10. **ITEM A-10 - Carried over from April 23, May 7 and 14, 2013 - Consideration of proposed Resolution authorizing the Chair to sign a Notice of Completion for the Middletown Library/Senior Center** - Chair Smith announced this item would be carried over one week, to June 11, 2013.

The Board of Supervisors adjourned and convened as the Lake County Watershed Protection District Board of Directors.

11. **ITEM A-12 - Consideration of proposed Purchase Contract for property located at 8250 Reclamation Road, Upper Lake (APN 004-014-19 - Brad Floyd and Mary Floyd) for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project** - Water Resources Director Scott DeLeon presented the staff report.

On motion of Director Rushing and by vote of the Board (4 ayes, Director Comstock ABSENT), approved the Purchase Contract for property located at 8250 Reclamation Road, Upper Lake (APN 004-014-19 - Brad Floyd and Mary Floyd) for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, in the amount of \$250,000, and authorized the Chair to sign the Real Property Purchase Contract.

The Lake County Watershed Protection District Board of Directors adjourned and reconvened as the Board of Supervisors.

- BACK TO #1 - ITEM A-1 - 9:00 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), reopened the Consent Agenda.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Consent Agenda items C-1 through C-19, with the exception of Consent Agenda Items C-11 and C-12.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), continued Consent Agenda Item C-11 one week, to June 11, 2013, at 9:30 a.m. and continued Consent Agenda Item C-12 one week, to June 11, 2013, at 9:40 a.m.

12. **ITEM A-13 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, S. Harry, M. Perry, A. Flora and C. Shaver; and (b) Employee Organization: DDAA, DSA, LCCOA, LCEA and LCSEA 2. Conference with legal counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): California Public Utilities Commission (CPUC) (CalWater) 3. Conference with legal counsel: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9(d)(2),(e)(5): City of Lakeport 4. Conference with Legal Counsel- Significant Exposure to Litigation pursuant to Government Code Section 54956.9, subdivision (d)(2),(e)(2): Public Records Act request of Lake County News** - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken at 12:15 p.m.

There being no further business, the Board of Supervisors adjourned at 12:15 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Mireya G. Turner
Assistant Clerk of the Board